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April 28, 2008

The Hon. Katharine S. Hayden
United States Post Office and Courthouse Building
Rm. 311
Newark, NJ 07101

BY: ELECTRONIC FILING

**Re: United States v. Rasheem Small et. al.
Crim. No. 08-09 (KSH)**

Dear Judge Hayden:

I am in receipt of defendant Donvae Barnes' letter dated April 25, 2008 regarding certain discovery matters and the defendant's request for an extension of the motion schedule previously set by the Court.

Shortly after the March 17, 2008 deadline for discovery, defendant's counsel received discovery material as set forth in my letter of that date. Included were approximately eight computer discs containing thousands of phone calls that were intercepted pursuant to wiretap authorizations on both the state and federal levels.

Ms. Fierro first notified me by telephone on or about April 15, 2008 that she was having trouble accessing the federal wiretap discs from her computer system. I informed Ms. Fierro that her client, Donvae Barnes, was heard on only a very limited number of calls, if at all. I also stated that I would try and have my office's technical people work on recording the conversations into a program compatible with her computer system. Additionally, in an effort to aid Ms. Fierro and her client, the Government is attempting to locate the very few calls among the many thousands recorded where her client is a participant. I expect this search to be completed in the next week or so.

I also note that the Government had previously heard about the unfortunate accident sustained by Ms. Fierro's husband, and under the

circumstances the Government has no opposition to an extension of the motion schedule for all the above reasons.

Respectfully submitted,

CHRISTOPHER J. CHRISTIE
United States Attorney

S/Robert Frazer

By: Robert Frazer
Assistant U.S. Attorney